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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,025	06/18/2001	Tetsuya Kuno	1190-0501P	8814
2292	7590	08/12/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,025

Applicant(s)

KUNO ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3, 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Notice of References CitedApplication/Control No.
09/882,025Applicant(s)/Patent Under
Reexamination
KUNO ET AL.Examiner
Timothy J HennArt Unit
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2002/0044215	04-2002	TAKAGI et al.	348/374
	B	US-2001/0055073	12-2001	Shinomiya, Kohji	348/374
	C	US-2001/0050717	12-2001	Yamada et al.	348/340
	D	US-6,172,351	01-2001	Kimura, Masanobu	250/208.1
	E	US-6,122,009	09-2000	Ueda, Kazuhiko	348/335
	F	US-5,867,368	02-1999	Glenn, Thomas P.	361/783
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
*	N	JP 09055487 A	02-1997	Japan	WATANABE et al.	H01L 27/14
*	O	JP 09284617 A	10-1997	Japan	UEDA, KAZUHIKO	H04N 05/225
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DETAILED ACTION

Drawings

1. Figures 6B, 7, 8, 9, 10 and 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (JP 09-055487 A).

[claim 1]

In regard to claim 1, note that Watanabe discloses an image pickup apparatus (Figures 2 and 3) comprising: an image pickup element having a first surface and a second surface opposite to the first surface, said image pickup element having an

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image region formed in the first surface (Figure 3, Item 20); an optical system that causes image light from a subject to form an image on the image region (Figure 3, Item 25); a supporting member that engages said image pickup element and said optical system, said supporting member (Figure 3, Item 22) having a first abutment portion that directly abuts said optical system (Figure 3, Item 25) and a second abutment portion that directly abuts said image pickup element (Figure 3, Item 20).

[claim 2]

In regard to claim 2, note that Watanabe discloses an image pickup apparatus wherein the second abutment portion abuts an area on the first surface except for the image region (Figure 3, Note that the image pickup portion is not covered by the second abutment).

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (JP 09-284617 A).

[claim 1]

In regard to claim 1, note that Ueda discloses an image pickup apparatus (Figure 42) comprising: an image pickup element having a first surface and a second surface opposite to the first surface, said image pickup element having an image region formed in the first surface (Figure 42, Item 12); an optical system that causes image light from a subject to form an image on the image region (Figure 42, lens 54); a supporting member that engages said image pickup element and said optical system (Figure 42, Item 51), said supporting member having a first abutment portion that directly abuts said

optical system (Figure 42; note abutment of lens and substrate), and a second abutment portion that directly abuts said image pickup element (Figure 42; note abutment of substrate and CCD).

[claim 2]

In regard to claim 2, note that Ueda discloses an image pickup apparatus wherein the second abutment portion abuts an area on the first surface except for the image region (Figure 42, Note that the image pickup portion is not covered by the second abutment).

[claim 3]

In regard to claim 3, note that Ueda discloses an image pickup apparatus further comprising a first holding member (Figure 42, Item 66) that engages said optical system and said supporting member such that said optical system is sandwiched between the first holding member and said supporting member (Figure 42).

Allowable Subject Matter

5. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 4-8]

In regard to claims 4-8, the prior art does not teach or fairly suggest an image pickup apparatus according to claim 3, further comprising a circuit board; wherein said circuit board is fixed to said supporting member and electrically connected to said image

pickup element, said circuit board having an opening formed therein such that said image region is exposed through the opening.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in image pickup devices comprising a lens, an image sensor and a supporting member connecting the lens and the image sensor:

i.	Takagi et al.	US 2002/0044215
ii.	Shinomiya	US 2001/0055073
iii.	Yamada et al.	US 2001/0050717
iv.	Kimura	US 6,172,351
v.	Ueda	US 6,122,009
vi.	Glenn	US 5,867,368

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
8-3-2004



TUAN HO
PRIMARY EXAMINER